

1/16/01

**THIS DISPOSITION  
IS NOT CITABLE AS PRECEDENT  
OF THE T.T.A.B.**

Paper No. 13  
JQ

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board  
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In re **Osiris Therapeutics, Inc.**  
\_\_\_\_\_

Serial No. 75/516,973  
\_\_\_\_\_

Request for Reconsideration  
\_\_\_\_\_

William Squire of Carella, Byrne, Bain, Gilfillan, Cecchi,  
Stewart & Olstein for applicant.

Fred Mandir, Trademark Examining Attorney, Law Office 105  
(Thomas G. Howell, Managing Attorney).  
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Before Seeherman, Quinn and Wendel, Administrative  
Trademark Judges.

Opinion by Quinn, Administrative Trademark Judge:

The Board, in a decision dated December 19, 2000,  
affirmed the refusal to register, finding that the term  
ALLOGEN, if applied to "allogeneic human mesenchymal stem  
cells for medical therapy namely, for use in conjunction  
with transplantation of tissues and solid organs" would be  
merely descriptive under Section 2(e)(1) of the Trademark  
Act.

Applicant has filed a request for reconsideration of this decision, contending that "[t]he fallacy of [the Board's] reasoning is that there is no clear cut definition of the term" in the evidence relied upon by the Board.

Upon further consideration, we remain of the view that the record supports affirmance of the refusal to register. We stand by our statement that "[g]iven the meaning of 'allogeneic' relative to cells used in transplantation, and the use of 'allogen' in the English text articles pertaining to this area, we find that individuals in this field would view the term 'allogen' as a merely descriptive term, no different than they would view the term 'allogeneic.'" The fact that the term "allogen" may have other meanings is not persuasive. The MEDLINE excerpts show that the term has a definite meaning, that is, "allogeneic," when used in connection with goods of the type identified in the involved application.

The request for reconsideration is denied, and the decision dated December 19, 2000 stands.